

## ROSS, BANKS, MAY, CRON &amp; CAVIN, P.C. JUN 23 '08

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Attorneys at Law

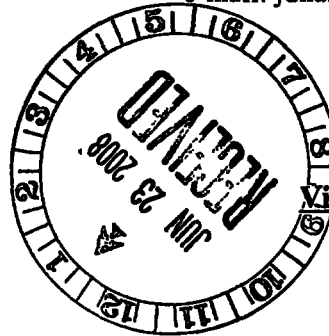
SURFACE TRANSPORTATION BOARD

Jim D. Hamilton  
Shareholder  
- Also Licensed in Colorado

e-mail: jdhamilton@rossbanks.com

June 20, 2008

Secretary  
Surface Transportation Board  
395 "E" Street SW  
Washington, D.C. 20423



Via Overnight Delivery

Re: That certain note in the original principal amounts of \$100,000.00 executed by Theodore Burkhart and Eva O. Burkhart and payable to Bank of Houston ("Loan")  
Our File No. 4003-124

Dear Secretary:

I hereby submit for filing and recording an executed original of a primary document, not previously recorded, the following Release:


Full Release of Security Agreement and Mortgage dated June 2, 2008 by Independence Bank, N.A. formerly known as The Right Bank of Texas, N.A. concerning the Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement dated July 30, 2003 between Theodore Burkhart and Eva O. Burkhart and Independence Bank, N.A. formerly known as The Right Bank of Texas, N.A. filed under Recordation Number 24519.

Enclosed is our firm check number in the amount of \$35.00 in payment of the filing fees. The file-stamped copy of the Releases should be returned to the undersigned at the address provided below.

Thank you for your assistance and please do not hesitate to contact me at (713) 626-1200 should you have any questions or need additional information.

Very truly yours,

ROSS, BANKS, MAY, CRON &amp; CAVIN, P.C.



Jim D. Hamilton  
For the Firm  
JDH/aye

JUN 23 '08

3-56 PM

## SURFACE TRANSPORTATION BOARD

FULL RELEASE OF SECURITY AGREEMENT AND MORTGAGE

This Release, dated as of 6/2, 2008, is made by **Independence Bank, N.A. formerly known as The Right Bank for Texas, N.A.**

1. Reference is made to the Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement dated **July 30, 2003**, between **Theodore Burkhart and Eva O. Burkhart**, as Mortgagor, and **Independence Bank, N.A. formerly known as The Right Bank for Texas, N.A.**, as Mortgagee, which was duly filed in accordance with 49 U.S.C. 11303(a), under Recordation Number **24519**, covering, among other items, the railcars described on Exhibit "A".

2. **Independence Bank, N.A. formerly known as The Right Bank for Texas, N.A.**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby releases any and all security interests, liens, claims and other encumbrances granted pursuant to said Railroad Car Mortgage Agreement, Security Agreement, Assignment of Interest in Leases and Financing Statement.

IN WITNESS WHEREOF, **Independence Bank, N.A. formerly known as The Right Bank for Texas, N.A.**, has caused this Release to be duly executed by its authorized officer as the day and year first above written.

**Independence Bank, N.A. formerly known as The Right Bank for Texas, N.A.**

By: Rosemary Guerra  
Name: ROSEMARY GUERRA  
Title: VICE PRESIDENT

STATE OF TEXAS

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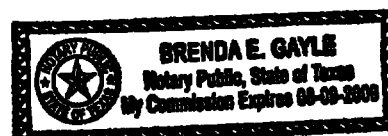
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COUNTY OF HARRIS

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On this 2 day of JUNE, 2008 before me personally appeared ROSEMARY GUERRA, to me personally known, who, being duly sworn did say that he is the VICE PRESIDENT of **Independence Bank, N.A. formerly known as The Right Bank for Texas, N.A.**, and that said instrument was signed on behalf of said institution, and he acknowledged that the execution of said instrument was the free act and deed of said institution.

Brenda E. Gayle  
NOTARY PUBLIC FOR THE STATE OF TEXAS



**EXHIBIT "A"**

**COLLATERAL**

34,000 gallon, pressurized tank car, PLMX 4103  
34,000 gallon, pressurized tank car, PLMX 4109